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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,338	05/28/2001	Rudolf Ehwald	010462	2953

7590 09/25/2002  
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EXAMINER

LARKIN, DANIEL SEAN

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/865,338

Applicant(s)

EHWALD et al.

Examiner

Daniel Larkin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15-30 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2001 is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 and 5 6) ☐ Other:

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1. Acknowledgment is made of Applicants' claim for foreign priority based on an application filed in Germany on 26 May 2000. It is noted, however, that Applicants have not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

2. The drawings are objected to because the following reference boxes should be labeled.

Reference box "5" should be labeled -- active and passive microelectronic circuit --.

Reference box "6" should be labeled -- logic circuits --.

Reference box "9" should be labeled -- signal evaluation circuit --.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Reference numeral -- 11 --, as shown in Figure 2, does not appear within the written specification.

4. Applicants are required to submit a proposed drawing correction or corrected drawings in response to this Office Action to avoid abandonment of the application. Any proposal by the Applicants for amendment of the drawings to cure defects must consist of two parts:

a) A *separate* letter to the Draftsman in accordance with MPEP § 608.02(r); and

b) A print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02(v).

IMPORTANT NOTE: The filing of new drawings to correct the noted defect may be deferred until the application is allowed by the Examiner, but the print or pen-and-ink sketch with

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proposed corrections shown in red ink is required in response to this Office Action, and *may not be deferred*. The objection to the drawings will not be held in abeyance.

5. Claims 1-30 are objected to because of the following informalities:

Re claim 1, claim line 2: A -- comma -- should be inserted after the term “transducing”.

Re claim 1, claim line 12: A -- comma -- should be inserted after the first occurrence of the term “dependent”.

Re claim 1, claim line 12: A -- comma -- should be inserted after the term “attraction”.

Re claim 1, claim lines 13 and 14: The term “sources” should be singular since only a single source has been previously recited in claim line 8.

Re claim 2, claim line 3: A -- comma -- should be inserted after the term “conductor(s)”.

Re claim 2, claim line 4: A -- comma -- should be inserted after the terms “transduction” and “export”.

Re claim 4, claim line 1: The article -- a -- should be inserted prior to the term “bar-shaped”.

Re claim 4, claim line 2: A -- comma -- should be inserted prior to the term “thin”.

Re claim 6, claim line 1: A -- comma -- should be inserted prior to the term “thin”.

Re claim 6, claim line 2: A -- comma -- should be inserted prior to the term “but”.

Re claim 8, claim line 2: The verb -- is -- should be inserted next to the term “are” since

Applicants continue to recite that only one conductor may be used as well as plurality of conductors.

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Re claim 8, claim line 4: The term “conductors” should be corrected to read -- conductor(s) --; and the verb -- is -- should be inserted prior to the term “are”.

Re claim 10, claim line 4: The term “conductors” should be corrected to read -- conductor(s) --.

Re claim 11, claim lines 3 and 5: The verb -- are -- should be inserted after the term “is” since Applicants continue to suggest that only one conductor may be used or a plurality of conductors may alternatively be used.

Re claim 11, claim line 4: The term “sources” should be singular since only a single source has been previously recited in claim line 8 of claim 1; and a -- comma -- should be inserted prior to the term “and” and after the term “subsequently”.

Re claim 11, claim line 5: The term “conductors” should be corrected to read -- conductor(s) --.

Re claim 12, claim line 1: The term “claims” should be singular.

Re claim 12, claim line 4: A -- comma -- should be inserted prior to the term “but”.

Re claim 15, claim line 9: The conjunction -- and -- should be inserted after the term “position”.

Re claim 21, claim line 1: The second occurrence of the article “the” should be deleted.

Re claim 22, claim line 1: The second occurrence of the article “the” should be deleted.

Re claim 24, claim line 7: The conjunction -- and -- should be inserted after the term “position”.

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Re claim 25, claim line 1: The second occurrence of the article "the" should be deleted.

Re claim 26, claim line 1: The second occurrence of the article "the" should be deleted.

Re claim 28, claim line 6: The article -- the -- should be inserted prior to the term "second". Appropriate correction is required.

6. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention.

Re claim 1, claim line 11: The phrase "the bracket" lacks antecedent basis.

Re claim 3, claim line 2: Is this "cantilevered movable conductor" different than the completely or partially cantilevered conductors recited in claim line 9 of claim 1?

Re claim 5, claim line 2: The phrase "the outer medium" lacks antecedent basis.

Re claim 12, claim lines 2 and 3: The phrase "the viscosity sensor" lacks antecedent basis.

Re claim 12, claim lines 3 and 4: The phrase within the parenthesis is deemed to be indefinite because one is unclear if the phrase is meant to be given patentable weight or is merely cited for example purposes.

Re claim 12, claim line 4: The phrase "the chips" lacks antecedent basis.

Re claim 12, claim line 5: The term "wafer" is deemed to be indefinite because one is unclear as to whether the term is to be given patentable weight or is cited merely for example purposes.

Re claim 12, claim line 7: The phrases "the upper conducting path layer" and

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“the completed sensor” lack antecedent basis.

Re claim 12, claim line 10: The phrase “the insulating base” lacks antecedent basis.

Re claim 13, claim line 1: The phrase “the intermediate layer” lacks antecedent basis.

Re claim 13, claim lines 1 and 2: The phrase “the uppermost conductor path” lacks antecedent basis.

Re claim 13, claim line 2: The phrase “the lower conductor” lacks antecedent basis.

Re claim 13, claim line 4: The phrase “the interlayer” lacks antecedent basis.

Re claim 14, claim line 1: The phrase “the upper partial layer” lacks antecedent basis.

Re claim 14, claim lines 2 and 3: The phrase “the lower partial layers” lacks antecedent basis.

NOTE: Prior art was not relied upon to reject claims 1-30 because the prior art fails to teach and/or make obvious an apparatus and/or a method cantilever for measuring viscosity comprising conductors placed onto the cantilever surface and means for causing movement in the cantilever in combination with all of the remaining limitations of the claims.

7. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

The prior art to Oden and Thundat et al. both disclose viscosity measuring systems each utilizing a cantilever.

The references to Ehwald and Ehwald et al. appear to be US patents of previously disclosed German applications.

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8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel Larkin whose telephone number is (703) 308-6724. The Examiner can normally be reached on Monday-Friday from 7:00 AM - 4:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hezron E. Williams, can be reached on (703) 305-4705. The FAX telephone number for this Technology Center (TC 2800, unit 2856) is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Daniel Larkin

17 September 2002



DANIEL S. LARKIN  
PRIMARY EXAMINER